

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

11 QUINTIN R. CROSS,

12 Plaintiff, No. 2:21-cv-0766 DJC CKD P

13 v.

ORDER

14 BRAZIL, et al.,

15 Defendants.

17 Plaintiff, a state prisoner, has filed this civil rights action seeking relief under 42  
18 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant  
19 to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

20 On December 15, 2023, the Magistrate Judge filed findings and  
21 recommendations herein which were served on all parties and which contained notice  
22 to all parties that any objections to the findings and recommendations were to be filed  
23 within fourteen days. Neither party has filed objections to the findings and  
24 recommendations.

25 The Court presumes that any findings of fact are correct. See *Orand v. United*  
26 *States*, 602 F.2d 207, 208 (9th Cir. 1979). The Magistrate Judge's conclusions of law  
27 are reviewed de novo. See *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454  
28 (9th Cir. 1983). Having reviewed the file, the court finds the findings and

1 recommendations to be supported by the record and by the Magistrate Judge's  
2 analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Defendants' motion for summary judgment (ECF No. 31) is granted; and  
5 2. Plaintiff's claims arising under the First Amendment and the Americans with  
6 Disabilities Act are dismissed resulting in the dismissal of defendants Tsushoko and  
7 Clays.  
8 3. This case is referred back to the Magistrate Judge for all further pretrial  
9 proceedings.

10 IT IS SO ORDERED.  
11

12 Dated: February 14, 2024

  
Hon. Daniel J. Calabretta  
UNITED STATES DISTRICT JUDGE

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